

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by
5 adding Section 17-117.2 as follows:

6 (40 ILCS 5/17-117.2 new)

7 Sec. 17-117.2. Nonduty temporary disability benefit.

8 (a) A nonduty temporary disability benefit is payable
9 only to a member who is in active service on or after June
10 30, 2002 and has at least 3 years of creditable service.

11 The benefit is payable upon application of a member who
12 is not receiving a benefit under Section 17-116, 17-117,
13 17-117.1, or 17-117.3. The benefit shall be granted only if
14 the member is found by medical examination to be
15 incapacitated to perform the duties of his or her position as
16 a teacher and only if the commencement of the incapacity
17 occurred while the member was employed as a teacher or within
18 90 days of such employment.

19 A member shall be considered disabled only when the Fund
20 has received (1) a written certificate by at least 2 licensed
21 and practicing physicians designated by the Fund, certifying
22 that the member is disabled and unable to properly perform
23 the duties of his or her position at the time of disability,
24 except in the case of disability due to pregnancy where a
25 written certificate from only one licensed and practicing
26 physician is required; (2) a written statement from the
27 Employer certifying that the member is not eligible to
28 receive a salary; and (3) a certification from the member
29 that he or she is not and has not been engaged in gainful
30 employment during the period of disability.

31 The benefit shall begin to accrue on the 31st day of

1 absence from service on account of disability, except that
2 when an application is made more than 90 days subsequent to
3 the later of the commencement of disability or the date
4 eligibility for salary ceases, it shall begin to accrue from
5 the date of application, and shall be payable during the time
6 the member does not receive a retirement annuity. The
7 benefit is not payable to a member who is receiving or has a
8 right to receive any salary as a teacher, or is employed in
9 any capacity as a teacher by the employers included under
10 this Fund or in an equivalent capacity in any other public or
11 private school, college or university.

12 Service credits under the State Employees' Retirement
13 System of Illinois, the State Universities Retirement System,
14 the Teachers' Retirement System of the State of Illinois, and
15 the Illinois Municipal Retirement Fund shall be considered in
16 determining the member's eligibility for a disability benefit
17 and the total period during which the disability benefit is
18 payable.

19 (b) The nonduty temporary disability benefit shall be
20 40% of the greater of the member's most recent annual
21 contract salary rate at the time the disability benefit
22 becomes payable or the member's annual contract rate on the
23 date the disability commenced.

24 In addition to the above benefit, the member shall
25 receive creditable service and credit for contributions that
26 the member would have made in active employment during any
27 period of disability for which benefits are paid by the Fund
28 on the basis of the annual salary rate used in computing the
29 benefit.

30 (c) The nonduty temporary disability benefit shall
31 continue until the first of the following events occurs: (1)
32 disability ceases; (2) the member requests termination of the
33 benefit; (3) the aggregate period for which disability
34 payments made during the member's entire period of service

1 equals 1/4 of the total period of creditable service, not
2 including the time he or she has received the disability
3 payments; or (4) the member is engaged or found to be able to
4 engage in gainful employment. If the disability benefit is
5 discontinued under item (4) but the member is subsequently
6 found to be unable to be gainfully employed due to the
7 disability that was the cause for his or her most recent
8 incapacity to perform the duties of a teacher, the disability
9 benefit shall be resumed, upon notification of the Fund, as
10 soon as the member is not eligible to receive salary.

11 A disabled member who receives a nonduty temporary
12 disability benefit for the maximum period specified above or
13 who requests that the disability benefits be terminated may
14 be retired on a disability retirement pension.

15 (d) The board shall prescribe rules governing the
16 filing, investigation, control, and supervision of disability
17 claims. The rules shall include specific standards to be
18 used when requesting additional medical examinations,
19 hospital records, or other data necessary for determining the
20 employment capacity and condition of the member. Costs
21 incurred by a claimant in connection with completing a claim
22 for disability benefits shall be paid by the claimant.

23 Section 90. The State Mandates Act is amended by adding
24 Section 8.25 as follows:

25 (30 ILCS 805/8.25 new)

26 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6
27 and 8 of this Act, no reimbursement by the State is required
28 for the implementation of any mandate created by this
29 amendatory Act of the 92nd General Assembly.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.